

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JEFFERY JACOB BENKE,

Plaintiff,

v.

Case No. 20-CV-881

BERNADETTE PIGEON,

Defendant.

ORDER

On February 15, 2021, defendant Bernadette Pigeon filed a motion to dismiss the case for plaintiff Jeffery Benke's failure to cooperate in discovery or, in the alternative, a motion to compel Benke, who is representing himself, to respond to her discovery requests. (ECF No. 15.) Pigeon states that she mailed Benke discovery requests and a medical records authorization form on September 11, 2020, using an address in Hartford, Wisconsin she found on the Wisconsin Department of Corrections inmate locator website. When Benke did not respond to the requests, Pigeon checked PACER and found that, on August 4, 2020, Benke updated his address to a place in Slinger, Wisconsin. Pigeon resent the discovery to the Slinger address on October 27, 2020. (ECF No. 16-2.) In December 2020, after Pigeon did not receive a response, she sent a letter to both the Hartford and Slinger addresses, again enclosing the discovery requests and the authorization form. To date, Pigeon has not received a response from Benke.

Accordingly, Pigeon now moves to dismiss the case under Federal Rule of Civil Procedure 41(b). Before dismissing the case, the court will give Benke one final opportunity to respond to Pigeon's discovery requests and submit his medical records authorization form or file a letter explaining why he is unable to do so. If Benke fails to file a response or a explanatory letter by the date set forth below, the court will grant Pigeon's motion to dismiss for failure to prosecute this case and for failing to follow the court's order.

IT IS THEREFORE ORDERED that, by **April 19, 2021**, Benke must either respond to Pigeon's discovery requests and submit his medical records authorization form or file a letter explaining why he is unable to do so. Failure to respond by that date will result in the court granting Pigeon's motion to dismiss.

Dated in Milwaukee, Wisconsin this 29th day of March, 2021.

BY THE COURT

A handwritten signature in black ink, appearing to read "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath it.

WILLIAM E. DUFFIN
United States Magistrate Judge